

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	20-Cr-77 (SHS)
-against-	:	<u>ORDER</u>
ERIC RODRIGUEZ,	:	
Defendant(s).	:	

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SIDNEY H. STEIN, U.S. District Judge.

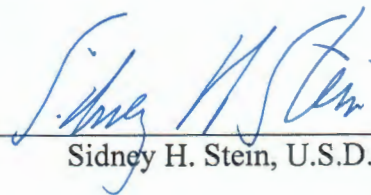
On April 5, 2023, this Court directed defendant to execute and return the attached “Attorney-Client Privilege Waiver (Informed Consent)” form to the Clerk of Court for filing within 14 days from April 5, 2023, if he wished to proceed with his § 2255 motion. As of today, the Clerk of Court has not received that executed form.

IT IS HEREBY ORDERED that defendant is directed once again to execute the attached “Attorney-Client Privilege Waiver (Informed Consent)” form and return it to the Clerk of Court for filing on or before June 16, 2023. If that executed form is not received by June 16, 2023, the Court will deny defendant’s § 2255 motion on the ground that the defendant has failed to authorize the disclosure of the information needed to permit the government to respond to the motion.

The Clerk of Court is directed to mail a copy of this Order with attachment to defendant, Mr. Eric Rodriguez [87650-054], USP Hazelton, U.S. Penitentiary, P.O. Box 2000, Bruceton Mills, WV 26525.

Dated: New York, New York  
May 18, 2023

SO ORDERED:

  
\_\_\_\_\_  
Sidney H. Stein, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Eric Rodriguez,

Defendant.

20 Cr. 77 (SHS)

**Attorney-Client Privilege Waiver (Informed Consent)**

To: Eric Rodriguez

You have made a motion pursuant to 28 U.S.C. § 2255 on the ground of ineffective assistance of counsel by your former attorney, Bruce Koffsky, Esq. (*see, e.g., Dkt. No. 587, at 18-22*). The Court has reviewed your papers and determined that it needs to have sworn testimonial statements from your former attorney in order to evaluate your motion.

By making this motion, you have waived the attorney-client privilege you had with your former attorney to the extent relevant to determining your claims. This means that if you wish to press your claims of ineffective assistance, you cannot keep the communications between yourself and your former attorney a secret—you must allow them to be disclosed to the Government and to the Court pursuant to court order. The Court has already issued an Order ordering your former attorney to give such testimony, in the form of declarations. This Informed Consent form is designed to ensure that you fully understand and agree to this.

Specifically, if you wish to proceed with your motion on the basis that you received ineffective assistance of counsel, you must sign this statement and return it to the Court. The form constitutes your authorization to your former attorneys to disclose confidential communications (1) only in response to a court order and (2) only to the extent necessary to shed light on the allegations of ineffective assistance of counsel that are raised by your motion.

You should know that if you sign this authorization, you run the risk that your former attorney will contradict your statements about his representation of you. However, you should also know that the Court may deny your motion if you do not authorize your former attorney to give an affidavit in response to the Court's attached Order.

You must return this form, signed by you and notarized, within fourteen days from the date on which you are served with this Order. If the Court does not receive this form, signed by you and notarized, within that time, the Court may deny your motion.

NOTARIZED AUTHORIZATION

I have read the Court's Order dated \_\_\_\_\_ and this document headed Attorney-Client Privilege Waiver (Informed Consent). I hereby authorize my former attorney, Bruce Koffsky, Esq., to comply with the Court's Order by giving testimony, in the form ordered by the Court, relating to my motion pursuant to 28 U.S.C. § 2255 on the ground of ineffective assistance of counsel. This authorization allows my former attorneys to testify only pursuant to court order, and only to the extent necessary to shed light on the allegations of ineffective assistance of counsel that are raised by my motion.

\_\_\_\_\_  
Eric Rodriguez

Dated: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Notary Public